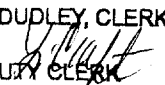


JAN 26 2012

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY:   
DEPUTY CLERK

ERIC SHAVONN SAYERS,	)	CASE NO. 7:12CV00009
	)	
Plaintiff,	)	
	)	FINAL ORDER
vs.	)	
	)	
LT. JANINE PATRICK, <u>ET AL.</u> ,	)	By: James C. Turk
	)	Senior United States District Judge
Defendant(s).	)	

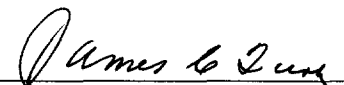
In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

as follows:

1. Plaintiff's claims that he is being wrongfully confined past the expiration of his criminal sentence are hereby **CONSTRUED** as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and summarily dismissed without prejudice for failure to exhaust state court remedies;
2. Plaintiff's claims under 42 U.S.C. § 1983 are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1), for failure to state a claim or as legally frivolous; and
3. This action is stricken from the active docket of the court.

ENTER: This 26<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
Senior United States District Judge